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BARBARA A. WIEDENBEIN
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CLERMONT COUNTY, OH

IN THE COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. 2018 CVH 01272
DAVE YOST	:	
OHIO ATTORNEY GENERAL,	:	JUDGE ANTHONY BROCK
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DONALD COMBS, et al.,	:	
	:	
Defendants.	:	

PROPOSED INTERIM PURGE AGREEMENT

On July 1, 2020, Plaintiff the State of Ohio (the "State") and Defendant Donald Combs (collectively the "Parties") appeared before this Court to determine whether Defendant had purged his second contempt. Given the recent COVID-19 pandemic, jail capacity concerns, and the State's Motion for Summary Judgment filed on June 26, 2020, among other things, the Parties agreed to postpone the purge hearing and have entered into a consensual interim agreement, which shall last until the September 4th, 2020 purge hearing, the Parties' agreement otherwise, or until Defendant violates the terms of this interim agreement.

By agreement of the Parties, the Court ORDERS:

Motion for Summary Judgment Schedule:

1. Defendant's response, if any, to the State's Motion for Summary Judgment is due no later than July 16, 2020.
2. The State's reply, if any, to Defendant's response is due no later than August 3, 2020.

Interim Requirements:

3. Beginning July 16, 2020 and continuing bi-weekly thereafter, Defendant shall provide, via email, receipts and photographs documenting the bi-weekly lawful removal or lawful sale of five (5) 30-cubic-yard-dumpsters (or the equivalent) of waste or other materials from the Parker Road Site in accordance with this Order 3. Defendant's counsel, or a designee from their law firm, must take the photographs. Each photograph shall be stamped with the date and time the photo was taken and delivered via email to the State's counsel by the close of business every other Thursday beginning July 16th, 2020 through the duration of this order. At a minimum, counsel will provide the following photographs every two weeks to the State, commencing July 16, 2020:
 - a. Photo(s) of the pile(s) at the Parker Road Site from which material will be loaded for removal prior to placement into a dumpster;
 - b. Photo(s) of the material inside each dumpster to be sent for removal at the Parker Road Site;
 - c. Photo(s) of the pile(s) from which the material was removed after the material was loaded into the dumpster(s); and
 - d. Photo(s) of the material inside each dumpster taken at the location of final disposition. These photos must be from the same general angle as the photos in Order 3 (b).
4. If Defendant fails to provide receipts of lawful sale/disposal/transfer of waste or materials, or the photographs in accordance with Order 3, but for technological error or similar malfunction/excusable event beyond Defendant's control, Defendant agrees to waive any argument of compliance or mistake at any future imposition of sentencing

hearing (which is currently scheduled for September 4th, 2020). The State will confirm receipt of all photos, or notice Defendant's counsel of failure of receipt of photos by close of business every other Friday beginning July 17th, 2020.

5. A new imposition of sentencing hearing is scheduled for September 4, 2020 at 1:00pm.
6. If Defendant fails to meet any deadline imposed in this Order, the State may seek immediate intervention by this Court to expedite the imposition of sentencing hearing.
7. Compliance with this interim order in no way relieves Defendant of his prior and current contempt.

IT IS SO ORDERED.



JUDGE ANTHONY BROCK

7-6-2020

DATE

APPROVED AND AGREED TO BY:

**DAVE YOST
OHIO ATTORNEY GENERAL**

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Counsel for Plaintiff, the State of Ohio

* signed by Attorney Lauren Chisner with consent given via email.